

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EASTERN DIVISION

No. 05-10849RGS

HELEN RUNGE,

Plaintiff

v.

WALTER J. KELLY,
KERRY L. BLOOMINGDALE, M.D., and
SUNBRIDGE NURSING AND
REHABILITATION CENTER,

Defendants

**DEFENDANT WALTER J. KELLY'S MOTION TO COMPEL
THE PLAINTIFF TO SUBMIT TO A MENTAL EXAMINATION**

NOW COMES the Defendant, Walter J. Kelly, and moves this honorable Court to compel the plaintiff, Helen Runge, to submit to a mental examination by an independent examiner within 30 days pursuant to Fed. R. Civ. P 35. In support of this motion, the Defendant submits the accompanying Memorandum of Law.

WHEREFORE, Defendant respectfully requests that this Honorable Court compel the Plaintiff to submit to a physical examination pursuant to Rule 35. The Defendant respectfully requests that this Court grant this motion and order the Plaintiff to submit to a psychiatric evaluation within 30 days in a location convenient for the Plaintiff.

Respectfully submitted,

The Defendant, Walter J. Kelly,

By his attorneys,

s/ Michele Carlucci

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LOCAL RULE 7.1 CERTIFICATION

I, Michele Carlucci, counsel for the Defendant, Walter J. Kelly, certify that I have spoken with counsel for the Plaintiff, Glenn Davis, and requested that the Plaintiff submit to a psychiatric evaluation and inquired whether a motion to compel would be necessary. Attorney Davis did not respond.

Dated: September 29, 2006

s/ Michele Carlucci
Michele Carlucci

CERTIFICATE OF SERVICE

I, Michele Carlucci, certify that on September 29, 2006 I have served a copy of the following by electronic filing and regular mail:

1. Defendant Walter J. Kelly's Motion to Compel The Plaintiff to Submit to A Mental Examination and Memorandum of Law in Support

to all counsel of record:

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/s/ Michele Carlucci
Michele Carlucci